



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,161	11/26/2003	In-Gon Park	678-1297 (P11066)	9243

28249 7590 10/05/2005
DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE, NY 11553

EXAMINER

RAMOS FELICIANO, ELISEO

ART UNIT PAPER NUMBER

2687

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,161

Applicant(s)

PARK ET AL.

Examiner

Eliseo Ramos-Feliciano

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/26/03; 4/8/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Korea on November 27, 2002. It is noted, however, that applicant has not filed a certified copy of the 74514/2002 application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement filed on November 26, 2003 and April 8, 2004 have been considered by the examiner (see attached PTO-1449 or PTO/SB/08A and 08B forms).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 2-4 and 7-8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. **Claim 2** depends on *claim 2*. This is indefinite. For examination on the merits the claim will be treated as depending from *claim 1*.

6. **Claim 3** depends on *claim 3*. This is indefinite. For examination on the merits the claim will be treated as depending from *claim 1*.

7. **Claim 3** recites the limitation "second speaker device" and "third key". There is insufficient antecedent basis for this limitation in the claim because there is no "first" speaker

Art Unit: 2687

device, nor "first" or "second" key. For examination on the merits this limitation will be treated as "speaker device" and "key".

8. **Claims 7-8** depend on *claim 2*. Therefore, include same problem above.

9. **Claim 4** recites the limitation "third speaker device", "fourth key" and "fifth key". There is insufficient antecedent basis for this limitation in the claim because there is no "first" or "second" speaker device, nor "first", "second" or "third" key. For examination on the merits this limitation will be treated as "speaker device" and "first" and "second" key.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. **Claims 1-3, 5-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Lieu et al. (US Patent Number 6,628,508).

Regarding **claim 1**, Lieu et al. discloses a portable communication apparatus (Figure 5), comprising:

- a) a main housing (100);
- b) a hinge axis (1 – Figure 4) extending across the main housing (Figure 5);
- c) a fixed housing (338) affixed to a first peripheral portion (550) of the main housing, the first peripheral portion being located at one side of the hinge axis; and

d) a rotational housing (340) rotatable about the hinge axis, the rotational housing being in contact with the fixed housing while surrounding the first peripheral portion of the main housing when the rotational housing is closed on the fixed housing, the rotational housing being most distant from the fixed housing while surrounding a second peripheral portion (550) of the main housing when the rotational housing is completely opened from the fixed housing. See Figures 5-6D and columns 5-7.

Regarding **claim 2**, Lieu et al. discloses everything claimed as applied above (see *claim 1*). In addition, Lieu et al. discloses wherein the main housing has an upper surface provided with a first speaker device (110 – Figure 1), a display (228) and a plurality of first keys (548 / 550), and has a lateral surface provided with at least one second key (252 – Figure 2). See column 2, lines 53-58; column 5, lines 7-49; column 7, lines 7-13, *inter alia*.

Regarding **claim 3**, Lieu et al. discloses everything claimed as applied above (see *claim 1*). In addition, Lieu et al. discloses wherein the fixed housing has an upper surface provided with a speaker device (110 – Figure 1) and at least one key (548 / 550 – Figure 5; 252 / 236 – Figure 2). See column 2, lines 53-58; column 5, lines 7-49; column 6, lines 34-51; column 7, lines 7-13, *inter alia*.

Regarding **claim 5**, Lieu et al. discloses everything claimed as applied above (see *claim 1*). In addition, Lieu et al. discloses wherein the fixed housing comprises a fixed body and a pair of legs extending from at least two corners of the fixed body in one direction (the legs meet at hinge axis 1 – Figure 4; see the Figures cited above).

Regarding **claim 6**, Lieu et al. discloses everything claimed as applied above (see *claim 1*). In addition, Lieu et al. discloses wherein the rotational housing comprises:

Art Unit: 2687

a rotational body (Figures 5-6D);

a pair of legs extending from at least two corners of the rotational body in one direction, the pair of legs having an opening formed between them so as to accommodate the main housing, each of the legs having a curved portion (the legs meet at hinge axis 1 – Figure 4; see the Figures cited above); and

a curved portion formed in the pair of legs, wherein a lower surface of the fixed housing is formed on a same line as a lower surface of the rotational housing (the legs meet at hinge axis 1; the curved portion is depicted e.g. in Figure 4; see the Figures cited above).

Regarding **claim 7**, Lieu et al. discloses everything claimed as applied above (see *claim 2*). In addition, Lieu et al. discloses wherein the display is constructed as one unit for representing and inputting information (See Figure 5; column 5, lines 7-49).

Regarding **claim 8**, Lieu et al. discloses everything claimed as applied above (see *claim 2*). In addition, Lieu et al. discloses wherein the display has a center through which the hinge axis (1 – Figure 4) passes (see the Figures cited above; also columns 5-7).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lieu et al. (US Patent Number 6,628,508).

Art Unit: 2687

Regarding **claim 4**, Lieu et al. discloses everything claimed as applied above (see *claim 1*). In addition, Lieu et al. discloses wherein the rotational housing has an upper surface provided with at least one key (548 / 550), and has a lower surface provided with a speaker device (110 – Figure 1) and at least one second key (252 – Figure 2). See column 2, lines 53-58; column 5, lines 7-49; column 7, lines 7-13, *inter alia*. See column 2, lines 53-58; column 5, lines 7-49; column 7, lines 7-13, *inter alia*.

However, Lieu et al. fails to specifically disclose that the device include camera lens as claimed.

Nevertheless, Lieu et al. teaches the device can be, for example, a cellular telephone (column 1, lines 37-38). Also that the display can output images or video (column 3, lines 38-39). Consequently, Lieu et al. suggests a camera-enabled cellular telephone as is well known in the art. The examiner takes Official Notice of this notion.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Lieu et al.'s cellular telephone with camera lens for the advantage of taking pictures as is well known in the art.

Citation of Pertinent Prior Art

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: **Finke-Anlauff** (US Patent Number 6,580,932); and **Kim** (US Patent Number 6,359,984).

Conclusion

15. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

Art Unit: 2687

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid, can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


9/27/05
ELISEO RAMOS-FELICIANO
PATENT EXAMINER

ERF/erf
September 27, 2005